

**U.S. District Court  
Eastern District of Missouri (LIVE) (St. Louis)  
CIVIL DOCKET FOR CASE #: 4:03-cv-01595-HEA**

Solae, L.L.C. v. Archer Daniels Midland Company et al

Assigned to: Honorable Henry E. Autrey

Referred to:

Demand: \$

Lead Docket: 4:03-cv-00732-HEA

Related Cases: None

Case in other court: None

Cause: 15:1126 Patent Infringement

Date Filed: 11/04/03

Jury Demand: Both

Nature of Suit: 830 Patent

Jurisdiction: Federal Question

**Plaintiff**

---

**Solae, L.L.C.**

represented by **Andrew Rothschild**  
LEWIS AND RICE  
500 N. Broadway  
Suite 2000  
St. Louis, MO 63102-2147  
314-444-7600  
Fax : 314-241-6056  
Email: arothschild@lewisrice.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**C. David Goerisch**  
LEWIS AND RICE  
500 N. Broadway  
Suite 2000  
St. Louis, MO 63102-2147  
314-444-7600  
Fax : 314-241-6056  
Email: dgoerisch@lewisrice.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Patricia A. Carson**  
KAYE SCHOLER LLP  
425 Park Avenue  
New York, NY 10022  
212-836-7466  
Fax : 212-836-8689  
Email: pcarson@kayescholer.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Thomas F. Fleming**  
KAYE AND SCHOLER  
425 Park Avenue

New York, NY 10022  
212-836-7515  
Email: tfleming@kayescholer.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

---

**Archer Daniels Midland Company**

represented by **David K.S. Cornwell**  
STERNE AND KESSLER, PLLC  
1100 New York Avenue, N.W.  
Washington, DC 20005  
202-772-8538  
Fax : 202-371-2540  
Email: davidc@skgf.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Donald R. Banowit**  
STERNE AND KESSLER, PLLC  
1100 New York Avenue, N.W.  
Washington, DC 20005  
202-772-8538  
Fax : 202-371-2540  
Email: dbanowit@skgf.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael T. Marrah**  
SONNENSCHN AND NATH, LLP  
One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102  
314-241-1800  
Fax : 314-259-5959  
Email: mmarrah@sonnenschein.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Stephen H. Rovak**  
SONNENSCHN AND NATH, LLP  
One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102  
314-241-1800  
Fax : 314-259-5959  
Email: srovak@sonnenschein.com  
**LEAD ATTORNEY**

*ATTORNEY TO BE NOTICED*

**Timothy J. Shea, Jr.**  
STERNE AND KESSLER, PLLC  
1100 New York Avenue, N.W.  
Washington, DC 20005  
202-772-8538  
Fax : 202-371-2540  
Email: tshea@skgf.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kirill Y. Abramov**  
SONNENSCHN AND NATH, LLP  
One Metropolitan Square  
Suite 3000  
St. Louis, MO 63102  
314-241-1800  
Fax : 314-259-5959  
Email: kabramov@sonnenschein.com  
*ATTORNEY TO BE NOTICED*

**Amerifit Nutrition, Inc.**

represented by **Michael T. Marrah**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen H. Rovak**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kirill Y. Abramov**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Counter Claimant**  
-----

**Amerifit Nutrition, Inc.**

V.

**Counter Defendant**  
-----

**Solae, L.L.C.**

**Counter Claimant**  
-----

**Archer Daniels Midland Company**

V.

**Counter Defendant**  
-----**Solae, L.L.C.**

<b>Filing Date</b>	<b>#</b>	<b>Docket Text</b>
11/04/2003	<u>1</u>	COMPLAINT against defendant Amerifit Nutrition, Inc., Archer Daniels Midland Company 2 Summons(es) issued, in the amount of \$150, Consents issued 3, Disclosure of Corporate Interest issued to Deft, Jury Demand,, filed by Solae, L.L.C.. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Civil Cover Sheet # <u>3</u> Original Filing Form)(SAJ, ) (Entered: 11/07/2003)
11/04/2003	<u>2</u>	NOTICE OF PRIVATE PROCESS SERVER; by Plaintiff Solae, L.L.C. Process Server Markell & Associates, (SAJ, ) (Entered: 11/07/2003)
11/04/2003	<u>3</u>	DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Plaintiff Solae, L.L.C. Parent companies: Solae Holdings LLC, the members of which are E.I. du Pont de Nemours and Company and Central Soya Company, Inc (a wholly owned subsidiary of Bunge Ltd.), Subsidiaries: So Good International, Fuji Protein Technologies, DuPont Shineway Louhe Protein Company Limited, Solae do Brasil., Publicly held company: E.I. du Pont de Nemours and Company Bunge, Ltd., (SAJ, ) (Entered: 11/07/2003)
11/04/2003		Receipt # S2004-001226 in the amount of \$150.00 for CIVIL FILING FEE, CIVIL FILING FEE-2ND 1/2 on behalf of LEWIS, RICE & FINGERSH. (CSW,) (Entered: 12/13/2003)
11/07/2003	<u>4</u>	REPORT to Commissioner of filing or determination of an action regarding Patent (SAJ, ) (Entered: 11/07/2003)
11/21/2003	<u>5</u>	NOTICE of Filing of Motion to consolidated by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company with case number 4:03cv732HEA (Attachments: # <u>1</u> Exhibit A)(Abramov, Kirill) (Entered: 11/21/2003)
11/25/2003	<u>6</u>	CJRA ORDER (jgw). Case reassigned to Judge Rodney W. Sippel for all further proceedings (DLB, ) (Entered: 11/25/2003)

12/11/2003	<u>7</u>	Joint MOTION for Leave to File Responsive Pleading On or Before December 29, 2003 by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Abramov, Kirill) (Entered: 12/11/2003)
12/12/2003		Docket Text ORDER - GRANTING Joint Motion to File Reponsive Pleading On or Before Dec. 29, 2003 by defts [Doc. #7]Signed by Judge Rodney W. Sippel (LAH, ) (Entered: 12/12/2003)
12/23/2003	<u>8</u>	MOTION for Leave to File First Supplemental Complaint by Plaintiff Solae, L.L.C.. (Attachments: # <u>1</u> First Supplemental Complaint# <u>2</u> Exhibit 1 to Solae's First Supplemental Complaint# <u>3</u> Exhibit 2 to Solae's First Supplemental Complaint)(Goerisch, C.) (Entered: 12/23/2003)
12/29/2003		Docket Text ORDER re <u>8</u> MOTION for Leave to File First Supplemental Complaint filed by Solae, L.L.C. ; ORDERED GRANTED. Signed by Judge Rodney W. Sippel on 12/29/03. (Please note - Plaintiff needs to electronically file the First Supplemental Complaint and Exhibits)(ARL, ) (Entered: 12/29/2003)
12/29/2003	<u>9</u>	AMENDED COMPLAINT against defendant(s)all defendants , filed by Solae, L.L.C.. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2)(Goerisch, C.) (Entered: 12/29/2003)
12/29/2003	<u>10</u>	MOTION for Extension of Time to File <i>Responsive Pleading</i> ;Extension to file the following: Responsive Pleading ;Proposed extension date January 13, 2004 by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Attachments: # <u>1</u> Text of Proposed Order)(Abramov, Kirill) (Entered: 12/29/2003)
12/30/2003		Docket Text ORDER - GRANTING re <u>10</u> MOTION for Extension of Time to File Responsive Pleading ;Extension to file the following: Responsive Pleading ;Proposed extension date January 13, 2004 filed by Archer Daniels Midland Company, Amerifit Nutrition, Inc. Signed by Judge Rodney W. Sippel on 12/30/03. (LAH, ) (Entered: 12/30/2003)
01/06/2004	<u>11</u>	NOTICE by Defendant Amerifit Nutrition, Inc. of <i>Withdrawal of Counsel</i> (Cassetta, Richard) (Entered: 01/06/2004)
01/06/2004	<u>12</u>	ENTRY of Appearance by Kirill Y. Abramov Defendant Amerifit Nutrition, Inc.. (Abramov, Kirill) (Entered: 01/06/2004)
01/12/2004	<u>13</u>	Consent MOTION for Extension of Time to File <i>Responsive Pleading</i> ;Extension to file the following: Responsive

		Pleading ;Proposed extension date January 30, 2004 by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Attachments: # <u>1</u> Text of Proposed Order)(Abramov, Kirill) (Entered: 01/12/2004)
01/13/2004		Docket Text ORDER re <u>13</u> Consent MOTION for Extension of Time to File <i>Responsive Pleading</i> ; Extension to file the following: Responsive Pleading; Proposed extension date January 30, 2004 filed by Archer Daniels Midland Company, Amerifit Nutrition, Inc.; ORDERED Granted;Signed by Judge Rodney W. Sippel on 1/13/04 (CMA) (Entered: 01/13/2004)
01/13/2004	<u>14</u>	Letter to attorney David K. S. Cornwell from Clerk Re: Admission Pro Hac Vice (CMA) (Entered: 01/13/2004)
01/13/2004	<u>15</u>	Letter to attorney Timothy J. Shea, Jr. from Clerk Re: Admission Pro Hac Vice (CMA) (Entered: 01/13/2004)
01/13/2004	<u>16</u>	Letter to attorney Donald R. Banowit from Clerk Re: Admission Pro Hac Vice (CMA) (Entered: 01/13/2004)
01/16/2004		Receipt # S2004-003243 in the amount of \$25.00 for ATTORNEY ADM. FEE - PHV on behalf of CARSON, PATRICIA A.. (CSW,) (Entered: 01/21/2004)
01/16/2004	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice (Attorney Patricia A. Carson) by Plaintiff Solae, L.L.C. (Receipt No: S2004-3243) (CMA) (Entered: 01/21/2004)
01/22/2004		Docket Text ORDER re <u>17</u> MOTION for Leave to Appear Pro Hac Vice Patricia A. Carson filed by Solae, L.L.C. ; ORDERED GRANTED. Signed by Judge Rodney W. Sippel on 1/22/04. (ARL, ) (Entered: 01/22/2004)
01/29/2004	<u>18</u>	MOTION for Leave to File Second Supplemental Complaint by Plaintiff Solae, L.L.C.. (Goerisch, C.) (Entered: 01/29/2004)
01/29/2004	<u>19</u>	AMENDED COMPLAINT ( <i>SECOND SUPPLEMENTAL COMPLAINT</i> ) against defendant(s) Amerifit Nutrition, Inc., Archer Daniels Midland Company JURY Demand, ( <i>SECOND SUPPLEMENTAL COMPLAINT</i> ), filed by Solae, L.L.C.. Related document: <u>18</u> MOTION for Leave to File Second Supplemental Complaint filed by Solae, L.L.C.. (Attachments: # <u>1</u> Exhibit Appendix)(Goerisch, C.) (Entered: 01/29/2004)
01/30/2004	<u>20</u>	Consent MOTION for Extension of Time to File <i>Responsive Pleading</i> ;Extension to file the following: Responsive

		Pleading ;Proposed extension date March 1, 2004 by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 01/30/2004)
02/02/2004		Docket Text ORDER - re <u>20</u> Consent MOTION for Extension of Time to File Responsive Pleading; Extension to file the following: Responsive Pleading up to and including March 1, 2004 filed by Archer Daniels Midland Company, Amerifit Nutrition, Inc. ; ORDERED GRANTED. Signed by Judge Rodney W. Sippel on 2/2/04. (LAH, ) (Entered: 02/02/2004)
02/06/2004		Receipt # S2004-004022 in the amount of \$25.00 for ATTORNEY ADM. FEE - PHV on behalf of LEWIS, RICE & FINGERSH. (CSW, ) (Entered: 02/06/2004)
02/06/2004	<u>21</u>	MOTION for Leave to Appear Pro Hac Vice Thomas F. Fleming by Plaintiff Solae, L.L.C.. (KCM, ) (Entered: 02/09/2004)
02/10/2004		Docket Text ORDER re <u>21</u> MOTION for Leave to Appear Pro Hac Vice Thomas F. Fleming filed by Solae, L.L.C. ; ORDERED GRANTED. Signed by Judge Rodney W. Sippel on 2/10/04. (ARL) (Entered: 02/10/2004)
02/10/2004	<u>22</u>	ORDER: IT IS HEREBY ORDERED that Pltf's Motion for Leave to File Second Supplemental Complaint is GRANTED; Signed by Judge Rodney W. Sippel on 2/10/04(CMA) (Entered: 02/10/2004)
03/01/2004	<u>23</u>	Consent MOTION for Extension of Time to File <i>Responsive Pleading</i> ;Extension to file the following: Responsive Pleading ;Proposed extension date April 1, 2004 by Defendants Amerifit Nutrition, Inc., Archer Daniels Midland Company. (Abramov, Kirill) (Entered: 03/01/2004)
03/02/2004	<u>24</u>	ORDER - IT IS HEREBY ORDERED that Defendant's Consent Motion for Extension of Time to File their Responsive Pleading <u>23</u> is GRANTED. Defendant's Responsive Pleading shall be filed no later than April 1, 2004. IT IS FURTHER ORDERED that an additional extension will only be granted if presented in person by lead counsel during informal matters with this court.Signed by Judge Rodney W. Sippel on 3/2/04. (LAH, ) (Entered: 03/02/2004)
04/01/2004	<u>25</u>	ANSWER to Amended Complaint, COUNTERCLAIM against plaintiff Solae, L.L.C. by Amerifit Nutrition, Inc..(Abramov, Kirill) (Entered: 04/01/2004)
04/01/2004	<u>26</u>	ANSWER to Amended Complaint, COUNTERCLAIM against plaintiff Solae, L.L.C. by Archer Daniels Midland Company.

		(Abramov, Kirill) (Entered: 04/01/2004)
04/07/2004	<u>27</u>	RULE 16 ORDER: This case is assigned to Track 2: Standard; Joint Scheduling Plan due by 4/30/2004; Rule 16 Conference set for 5/7/2004 10:00 AM in Chambers before Honorable Rodney W. Sippel; Signed by Judge Rodney W. Sippel on 4/7/04(CMA) (Entered: 04/07/2004)
04/21/2004	<u>28</u>	<i>Plaintiff's ANSWER to Counterclaim of Defendant Archer Daniels Midland Company</i> by Solae, L.L.C..(Goerisch, C.) (Entered: 04/21/2004)
04/21/2004	<u>29</u>	<i>Plaintiff's ANSWER to Counterclaim of Defendant Amerifit Nutrition, Inc.</i> by Solae, L.L.C..(Goerisch, C.) (Entered: 04/21/2004)
04/26/2004	<u>30</u>	NOTICE of Filing of Motion to consolidated by Plaintiff Solae, L.L.C., Defendants Archer Daniels Midland Company, Amerifit Nutrition, Inc., Counter Claimants Amerifit Nutrition, Inc., Archer Daniels Midland Company, Counter Defendants Solae, L.L.C., Solae, L.L.C. with case number 03-732 (Attachments: # <u>1</u> Exhibit 1) (Goerisch, C.) (Entered: 04/26/2004)
04/26/2004	<u>31</u>	Consent MOTION for Leave to File a Third Supplemental Complaint by Plaintiff Solae, L.L.C.. (Goerisch, C.) (Entered: 04/26/2004)
04/26/2004	<u>32</u>	AMENDED COMPLAINT ( <i>Third Supplemental Complaint</i> ) against defendant(s)all defendants Jury Demand, ( <i>Third Supplemental Complaint</i> ), filed by Solae, L.L.C.. (Attachments: # <u>1</u> Exhibit 1 U.S. Patent 6,642,212# <u>2</u> Exhibit 2 U.S. Patent 6,664,382# <u>3</u> Exhibit 3 U.S. Patent 6,680,381# <u>4</u> Exhibit 4 U.S. Patent 6,706,292)(Goerisch, C.) (Entered: 04/26/2004)
04/27/2004		Docket Text ORDER re <u>31</u> Consent MOTION for Leave to File a Third Supplemental Complaint filed by Solae, L.L.C. ORDERED GRANTEDSigned by Judge Rodney W. Sippel on 4/27/04. (LAH, ) (Entered: 04/27/2004)
04/28/2004	<u>33</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Henry E. Autrey for all further proceedings. Judge Rodney W. Sippel no longer assigned to case, Cases associated.. Signed by Judge Henry E. Autrey on 4/28/04. (MJM, ) (Entered: 04/28/2004)

PACER Service Center
----------------------



**Transaction Receipt**

05/06/2004 14:38:43

<b>PACER Login:</b>	fh0018	<b>Client Code:</b>	07579-0016-01000
<b>Description:</b>	Docket Report	<b>Case Number:</b>	4:03-cv-01595-HEA
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.28